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May 22, 2015

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VIA ECF AND HAND-DELIVERY

Honorable Paul Oetken
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 706
New York, NY 10007

Re: *Levin v. Bank of New York, et al.*, Case No. 09 Civ. 5900 (JPO)

Dear Judge Oetken:

Our firm represents the Levin Plaintiffs and Judgment Creditors in the above-referenced action, and write on behalf of the Levins, the Greenbaum and Acosta Judgment Creditors, and the Heiser Judgment Creditors (collectively, the "Judgment Creditors"). I am in receipt of a letter from Eric J. Snyder, Esq. dated May 15, 2015, in which Mr. Snyder requests that the Court lift the stay entered by the Court on November 6, 2014.

The Court ordered the stay in this action "pending resolution of the Calderon-Cardona and Hausler Actions." Dtk. No. 1036. Those actions have not yet been resolved. I am informed that the Judgment Creditors in the *Calderon-Cardona* and *Hausler* cases intend to file Petitions for Writ of Certiorari in the United States Supreme Court. On May 14, 2015, the Supreme Court granted the Petitioners' Application for an Extension of Time to file Petitions for Writ of Certiorari and extended the time to file such Petitions to July 24, 2015. *See* U.S. Supreme Court Notice dated May 14, 2015, Case No. 12-0075, 2nd Cir. Dkt. No. 306.

The resolution of the *Calderon-Cardona* and *Hausler* cases will have a significant impact on this action, including the pending motion for partial summary judgment (as heard by the Court on August 21, 2014) and the Supplemental Complaint filed by the Levins on September 30, 2014.

Honorable Paul Oetken

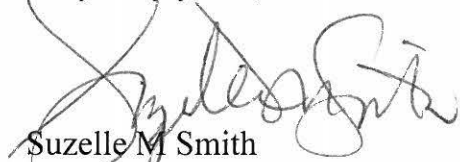
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It was for this reason that the Court issued the stay in this matter originally. There is no new reason to prematurely lift the stay.

However, the release of this asset before the final resolution of the *Calderon-Cardona* and *Hausler* cases will have a significant prejudicial impact on the Judgment Creditors. If the asset is released and Supreme Court reverses the Second Circuit's decisions in *Calderon-Cardona* and *Hausler*, the Judgment Creditors will be irreparably injured. [REDACTED] seeks payment of the funds to the [REDACTED]. If this is done, the asset will be moved out of the United States. Clearly, in such a case, the Judgment Creditors' ability to collect on the funds will be made extremely difficult, if not impossible. Mr. Snyder has not made the showing necessary for the Court to reconsider its prior Order staying this Matter until the full appeals of *Calderon-Cardona* and *Hausler* have been resolved. The Judgment Creditors respectfully request the Court not to reconsider the prior Order and to refuse the letter request of Mr. Snyder to lift the stay.

Very truly yours,



Suzelle M. Smith
Counsel for Plaintiffs, the Levin
Judgment Creditors

SMS:cf

cc: All Counsel of Record (via ECF)